

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH AND
SEIZURE WARRANT**

I, Lisa M. Wall, being first duly sworn, depose and state as follows:

A. Introduction and Agent Background

1. I make this affidavit in support of an application for a warrant to seize two buccal swabs from Adriano Sparkxxx LeBeaux for comparison purposes. As set forth below, there is probable cause to believe that the buccal swabs contain evidence of a violation of Title 18, United States Code, Section 1153(a), and Title 18, United States Code, Section 2241(a)(1) (aggravated sexual abuse).

2. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since June of 2004. During this time, I have participated in numerous criminal investigations, including investigations involving organized crime, narcotics trafficking, crimes against children and violent crimes on Indian Reservations. I am currently assigned to the Billings, Montana Resident Agency, where I am responsible for investigating violent crimes on Indian Reservations.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my

23 knowledge about this matter.

24 **B. The Crime of Sexual Abuse**

25 4. There are three elements to the crime of aggravated sexual
26 abuse in violation of 18 U.S.C. §§ 1153(a) and 2241(a)(1): First, that the
27 defendant is an Indian person; second, that the crime occurred in Indian
28 country; and third, that the defendant knowingly engaged in a sexual act by
29 using force against the victim.

30 **C. Probable Cause**

31 **Indian Person Status of the Defendant**

32 5. Your affiant obtained a tribal enrollment record for Adriano
33 Sparkxxx LeBeaux, showing that he is an enrolled member of the Northern
34 Cheyenne Tribe of Indians.

35 **Location of the Criminal Activity**

36 6. As described by the victim, the conduct described below
37 occurred at 315 Spotted Elk Dr., Lame Deer, Montana, which is within the
38 exterior boundaries of the Northern Cheyenne Indian Reservation.

39 **Description of the Criminal Activity**

40 7. On March 8, 2023, the victim reported that she met up with
41 Adriano Sparkxxx LeBeaux at 315 Spotted Elk Dr., Lame Deer, Montana.
42 LeBeaux is a close relative of the victim. They grew up together and she

43 trusted him.

44 8. In the early morning hours of March 8, 2023, LeBeaux told the
45 victim that the police were on their way to search the house and that they
46 needed to hide in the basement. The victim said that she had been drinking
47 alcohol, but she did not believe LeBeaux was drinking.

48 9. While down in the basement, LeBeaux told the victim to lie
49 down in a far corner on the floor and she fell asleep.

50 10. At some point the victim woke up and LeBeaux was holding
51 her down by her neck. She then believes that she passed out.

52 11. She woke up to LeBeaux holding a knife to her throat.
53 LeBeaux then pulled down her leggings and vaginally raped her until he
54 ejaculated.

55 12. During the rape, the victim said, "You're my brother, dude, and
56 I trusted you."

57 13. LeBeaux left the victim in the basement, and she was able to
58 leave.

59 14. The victim got to her car and drove around for about an hour.
60 She called her mother and told her about the rape. Her mother advised her
61 to go to the hospital for a rape exam.

62 15. The victim arrived at Indian Health Services (IHS) in Northern

Cheyenne around 2 a.m.

16. A Sexual Assault Nurse Examiner conducted a sexual assault examination of the victim to include the collection of vaginal swabs and the collection of the clothing she was wearing at the time of the sexual assault.

17. Medical personnel contacted Bureau of Indian Affairs law enforcement, and they conducted an interview of the victim at IHS.

18. Two buccal swabs from LeBeaux are necessary to extract DNA from those swabs and compare that DNA to the DNA extracted from the swabs collected during the sexual assault examination on the victim.

D. Conclusion

19. By this affidavit and application, I request that the Court issue a warrant for the seizure of two buccal swabs from LeBeaux.

DATED this 1 day of May, 2023.



LISA M. WALL
FBI Special Agent

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89 SUBSCRIBED TO AND SWORN BEFORE ME this 1 day
90 of May, 2023.
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94 _____
95 TIMOTHY J. CAVAN
96 United States Magistrate Judge